

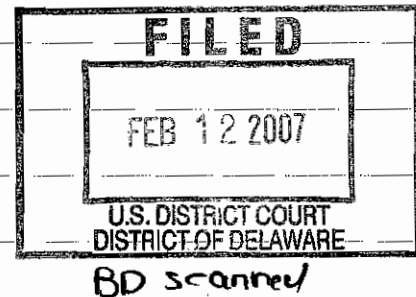
IN THE UNITED STATES District Court
District of Delaware

KEVIN C. BRATHWAITE
Petitioner

V.

C.A. No. 06-472-G.M.S.

THOMAS CARROLL
Respondent



MOTION TO DEFAULT

Now comes the Petitioner, KEVIN C. BRATHWAITE, requesting that this honorable Court order a judgement of default against the respondent AND grant his Petition for Habeas Corpus.

To support this motion, this petitioner offers the following:

1. ON November, 8th, 2006 the respondent filed a Motion for an extension of time to

respond to this Petitioners Habeas Corpus, requesting that they be allowed to File AN ANSWER ON or before December, 22nd, 2006.

2. ON December, 21st, 2006 the respondent requested A second extension of time to ANSWER ON or before, JANUARY, 19th, 2007.

3. ON JANUARY, 18th, 2007 the respondent requested A third extension to File ON or before JANUARY, 30th, 2007.

4. ON JANUARY, 30th, 2007 the respondent Filed A motion for A fourth extension of time to ANSWER ON or before February, 22nd, 2007.

5. None of the request were opposed by this Petitioner.

6. The Court ordered the request for the fourth extension ON February, 22nd, 2007. ON this date the Court ordered A


February, 2nd, 2007 deadline.

7. The respondent Failed to File AN ANSWER prior to the February, 2nd, 2007 deadline.

8. Pursuant to Federal rule 6(B) A request for AN extension or enlargement of time MUST be made before the expiration date originally prescribed or AS extended by A previous order.

9. NO ANSWER WAS Filed by the February, 2nd, 2007 deadline.

ON these grounds this Petitioner prays that this honorable Court will grant this Motion to default AND grant his Habeas Corpus.

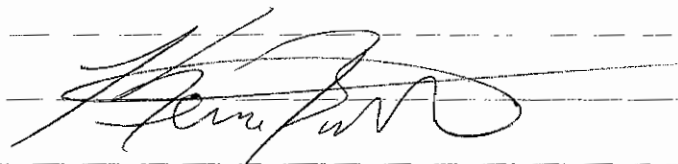

KEVIN C. Brathwaite
1181 Paddock Rd.
SMYRNA DE.
19977

DATE: February, 8th, 2007

Certificate of Service

I Kevin C. Brathwaite, states that I have caused a copy of the Attached Motion to Default, to be MAILED to the following party, by way of U.S. Postal Service.

Gregory Smith
ATTY Gen office
820 N. French St
Wilmington DE.
19801


Kevin C. Brathwaite
1181 Paddock Rd
Smyrna DE.
19977

DATE: JANUARY, 8th, 2007

IM Kevin C. Brathwaite
SBI# 315294 UNIT _____
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

OFFICE OF THE CLERK
U.S. DISTRICT COURT
844 N. KING ST.
WILMINGTON DE.
19801-3570

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